### Commsouth Media Associates

4001 Highway 78 East - Jasper, AL 35501 (205)384-4656

August 6, 1993

Secretary
Federal Communications Commission
1919 M Street, N.W.- Room 222
Washington, D.C. 20554

Re: Petition to Amend FM Table of Assignments 73.202(b)
Pike Road, Alabama
Channel 248A

Dear Secretary:

Pursuant to Section 1.401 of the Federal Communications Commission's Rules, please find enclosed an original and four copies of the above styled Petition for Rulemaking on behalf of Fred Randall Hughey.

Please don't hesitate to call me should you have any questions or concerns about this matter.

Sincerely,

Kirk A. Tollett

Consultant to Fred Randall Hughey

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Prepared by:
Kirk A. Tollett
Commsouth Media
Associates
4001 Highway 78 East
Jasper, AL 35501

Prepared for: Fred Randall Hughey Route 4, Box 247 Tallassee, AL 36078 **Petition for Rulemaking** 

Pike Road, Alabama

August 6, 1993

### Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

A13 1 1 1993 FOC 2011

In the Matter of	)		
	,		
Amendment of Section 73.202 (b)	)	Docket No.	
Table of Assignments,	)	RM	
FM Broadcast Stations	)		
Pike Road, Alabama		)	

To: Chief, Policy and Rules Division

### PETITION FOR RULEMAKING

Fred Randall Hughey, (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully petitions the Commission to institute a rulemaking proceeding looking toward the assignment of FM Channel 248A to Pike Road, Alabama, and to amend Section 73.202(b) of the Commission's Rules as follows:

City	Channe	Channel Number		
Pike Road, Alabama	Present			

In support whereof the following is shown:

1. As reflected in the attached technical exhibit, prepared by Commsouth Media Associates, the requested assignment of FM Channel 248A at Pike Road, Alabama, can be made in full compliance with all applicable minimum mileage separations and other technical requirements under the Commission's Rules at a site restriction of 13.1 kilometers south of the proposed community of license. Further, Channel 248A can be assigned to Pike Road, Alabama without any other changes in the Table of Assignments.

2. Pike Road, Alabama is an unincorporated community located at the intersection of State Highways 40 and 85, in the eastern portion of Montgomery County. Pike Road has no local government, but it does maintain a volunteer fire department, community library and locally supported recreational park. Pike Road has its own Post Office, as well as Elementary and High School. 1990 U.S. Census figures for the of the census division of Pike Road was 4,278 persons. The 1993 Rand McNally Commercial Atlas recognizes the community of Pike Road as having a population of 200. The 1990 Census figures for Montgomery County were 209,085.

Petitioner notes the Commission's requirement to demonstrate that Pike Road has the social, economic, cultural, and governmental indicia to qualify it as a "community" for allotment purposes, therefore petitioner submits the following:

- A. The State of Alabama, Department of Transportation (hereinafter "DOT"), is responsible for the maintenance of U.S. Highway 231. Along both the North and South bound lanes of this highway are signs indicating the directions to Pike Road. Exhibit 1 is a photograph of one of these signs.
- B. Exhibit 2 contains photographs of the Pike Road Baptist Church and the First Baptist Church of Pike Road, these are two of the six churches which associate themselves as being part of the Pike Road Community.
- C. Exhibit 3 is an example of just a few of the numerous businesses that identify themselves as being in Pike Road, Alabama.
- D. Exhibit 4 is a photo reproduction of a sales ticket from a local business that identifies itself as being located in Pike Road, Alabama.
- E. Exhibit 5 includes phonographs of Pike Road Schools, Library, Fire Hall, Post Office and Water and Sewage facility. Pike Road has its own Zip Code and telephone exchange.

F. Exhibit 6 includes a photograph of the Pike Road Community Club and Community Softball Park, both of which are locally maintained and funded.

3. It is the long standing policy of the Commission as mandated by Congress to allow the most efficient use of available spectrum in order to advance the public interest, convenience, and necessity. There is no broadcast facility currently licensed to Pike Road, Alabama. Therefore, if adopted this proposal would provide first local service to the community of Pike Road, Alabama.

4. As can be ascertained from the attached declaration, if Channel 248A is allocated to Pike Road, Alabama, petitioner will promptly apply for a construction permit for the new FM broadcast station, and if a construction permit is granted, petitioner will promptly construct and operate the station for which he is licensed.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its Rules by allocating FM Channel 248A to Pike Road, Alabama.

Respectfully Submitted,

Kirk A. Tollett

Consultant to Fred R. Hughey

Commsouth Media Associates 4001 Highway 78 East Jasper, AL 35501 (205)384-4656 August 6, 1993

### **DECLARATION**

- I, Fred Randall Hughey, hereby certify that:
- 1. That I am a citizen of the United States and of the State of Alabama.
- 2. I am a petitioner requesting the Federal Communications Commission institute the appropriate Rulemaking to allocate FM Radio Channel 248A (97.5 MHz) to the Community of Pike Road, Alabama.
- 3. I have retained Kirk A. Tollett and Commsouth Media Associates to assist me in the preparation and filing of the required technical exhibits to facilitate the afore mentioned rulemaking.
- 4. If FM Channel 248A or an equivalent channel is allocated to Pike Road, Alabama, I will promptly apply; either individually or as an entity of which I am a part, for a construction permit to operate the new FM broadcast station. If a construction permit is granted, I or an entity of which I am a part, will promptly construct and operate the station for which I am licensed.

I hereby certify under penalty of perjury that the above statement is true. Signed and dated this 6th day of August, 1993

Fred Randall Hughey

Petitioner

Route 4 Box 247

Tallassee, Alabama 36078

# EXHIBIT 1 FRED RANDALL HUGHEY Pike Road, Alabama Alabama D.O.T. Sign



# EXHIBIT 2 FRED RANDALL HUGHEY Pike Road, Alabama Community Churches

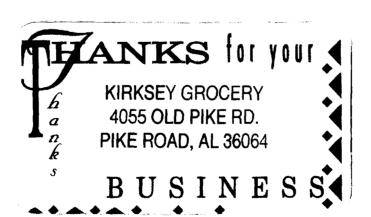




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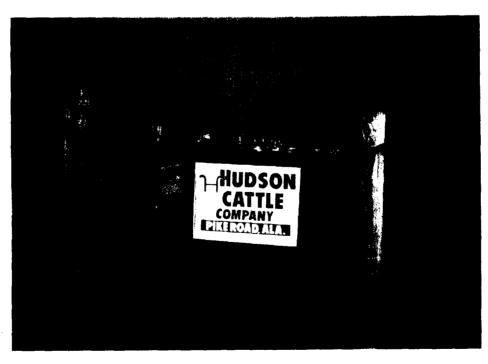
# EXHIBIT 3 FRED RANDALL HUGHEY Pike Road, Alabama Community Businesses





# EXHIBIT 3 FRED RANDALL HUGHEY Pike Road, Alabama Community Businesses





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### **EXHIBIT 4 FRED RANDALL HUGHEY** Pike Road, Alabama **Business Receipts**

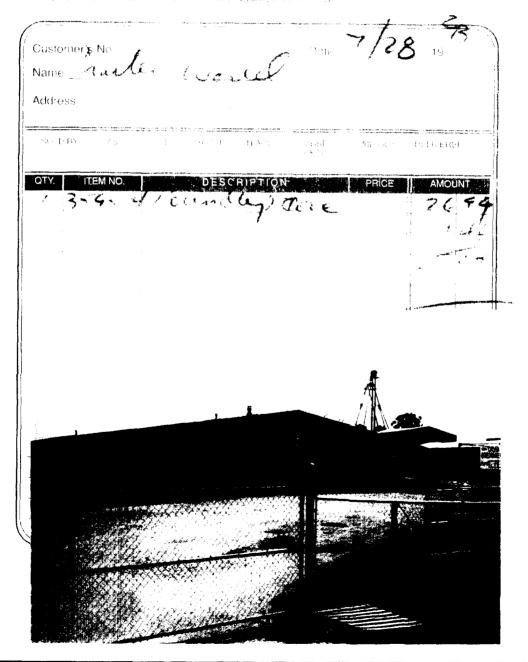


### THE FEED LOT 81508

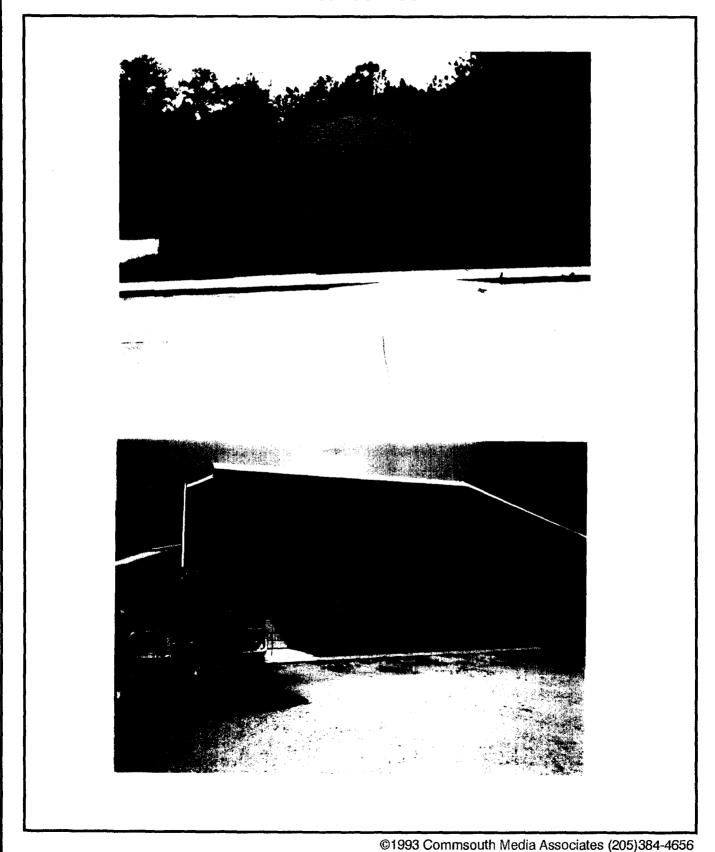
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### EXHIBIT 5 FRED RANDALL HUGHEY Pike Road, Alabama Local Services



### EXHIBIT 5 FRED RANDALL HUGHEY Pike Road, Alabama Local Services



Pike Road Library

Phone: 244-8679

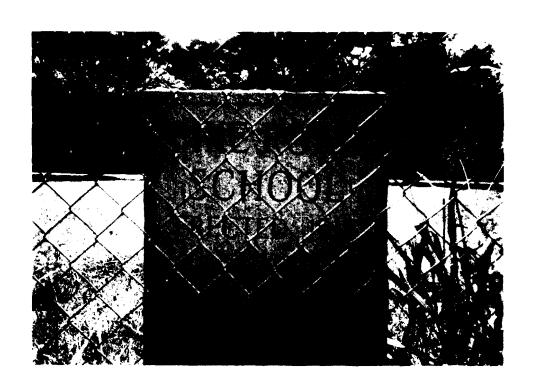
Hours

Mon, Tues, Wed 5. 1.9:00-1:00

Thur....1:00-5:00

Fri....Closed

### EXHIBIT 5 FRED RANDALL HUGHEY Pike Road, Alabama Local Services





# EXHIBIT 6 FRED RANDALL HUGHEY Pike Road, Alabama Civic Organizations





### **ENGINEERING STATEMENT**

### Fred Randall Hughey Pike Road, Alabama August, 1993

### INTRODUCTION

This engineering exhibit has been prepared on behalf of Fred Randall Hughey, in support of a Petition for Rulemaking, requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

Location	Present	Proposed
Pike Road, Alabama	None	248A

As can be gleaned from the attached exhibits, Channel 248A can be added to the Federal Communications Commission Table of Assignments with out the necessity of any other changes and without the creation of any new preclusion area.

### **DISCUSSION**

Figure 1 is a full scale reproduction of a portion of a U.S.G.S. 1:500,000 map entitled "State of Alabama". Upon it has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report.. The geographic coordinates selected for this study were:

N 32° 10' 00"

W 86° 05' 00"

This site is located approximately 13.1 kilometers South of Pike Road, Alabama.

Figure 1, details the area of Section and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 miles of the proposed allocation. It is believed that there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Pike Road.

Figure 2, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 248A to Pike Road, Alabama. The information contained in Figure 2, was utilized in preparation of the pertinent arcs contained in Figure 1.

### **CONCLUSION**

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 248A could be assigned to Pike Road, Alabama as that communities first local broadcast service.

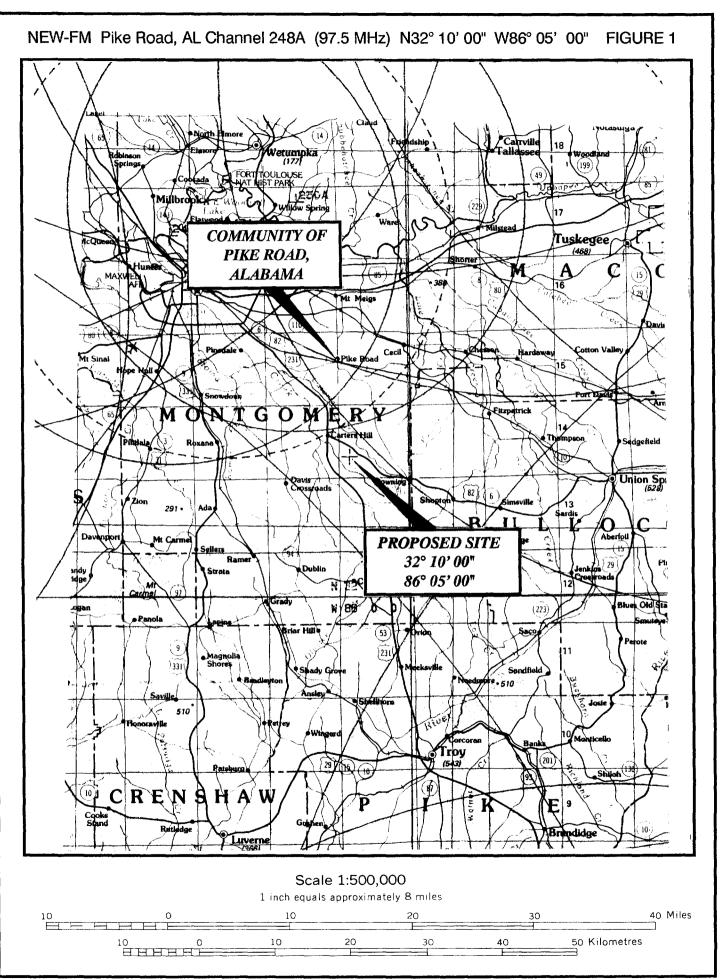
Therefore, Fred Randall Hughey, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,

Kirk A. Tollett

Consultant to Fred Randall Hughey

August 6, 1993



### FIGURE 2

FM search of channel 248A+ (97.5 MHz), at N. 32 10 0, W. 86 5 0.

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FM search of channel 248A+ (97.5 MHz), at N. 32 10 0, W. 86 5 0.

CALL CITY ST CHN CL S DIST SEPN BRNG. MDJR Enterprise AL 245 C L 142.0 95.0 166.8.

ALC Milbrook AL 246 A U 43.5 31.0 322.9.

MMCZ Milbrook AL 246 A L 37.9 31.0 322.9.

ALC Dadeville AL 247 A U 102.4 72.0 278.3.

ALC Dadeville AL 247 A U 83.1 72.0 17.2.

WZLM Dadeville AL 247 A V 153.4 72.0 334.0.

ALC Dadeville AL 247 A A 160.7 72.0 334.0.

NEW Homewood AL 247 A A 160.7 72.0 334.0.

NEW Homewood AL 247 A A 160.7 72.0 333.0.

NEW Homewood AL 247 A A 160.5 72.0 333.0.

NEW Homewood AL 247 A A 161.2 72.0 335.1.

NEW Homewood AL 247 A A 161.2 72.0 335.1.

NEW Homewood AL 247 A A 165.5 72.0 333.0.

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NEW Homewood AL 247 A A 165.0 72.0 333.4.

NEW Homewood AL 247 A A 165.0 72.0 333.4.

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NEW Homewood AL 247 A A 165.0 127.6.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

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NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 247 A A 155.5 72.0 333.0.

NEW Homewood AL 248 A U 155.0 172.0 343.0.

NEW Homewood AL 248 A U 155.0 172.0 343.0.

NEW Homewood AL 248 A U 155.0 172.0 343.0.

NEW Homewood AL 248 A U 155.0 172.0 349.3.

ALC Hogansville GA 248 A U 150.0 115.0 360.0.

NEW Homewood AL 248 A U 150.0 115.0 360.0.

NEW Homewood AL 248 A U 150.0 115.0 360.0.

NEW Homewood AL 249 A U 209.2 72.0 55.3.

NEW Homewood AL 249 A U 209.2 72.0 55.3.

NEW Homewood AL 248 A U 175.7 115.0 360.0.

NEW Homewood AL 248 A U 175.0 115.0 360.0.

NEW Homewood AL 249 A U 201.0 72.0 349.3.

NEW Homewood AL 249 A U 201.0 72.0 349.3.

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### **CERTIFICATION**

Kirk A. Tollett hereby certifies that;

He is owner of Commsouth Media Associates, a broadcast consulting firm based in Jasper, Alabama;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past:

That he has been retained by Fred Randall Hughey, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 6th day of August, 1993

Kirk A Tollett